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# **Infrastructure & Tourism Appropriations Subcommittee**

**Thursday, January 18, 2024  
9:00 AM - 12:00 PM  
Mashburn Hall (314 HOB)**

**Paul Renner  
Speaker**

**Robert Andrade  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Infrastructure & Tourism Appropriations Subcommittee

**Start Date and Time:** Thursday, January 18, 2024 09:00 am

**End Date and Time:** Thursday, January 18, 2024 12:00 pm

**Location:** Mashburn Hall (314 HOB)

**Duration:** 3.00 hrs

**Consideration of the following bill(s):**

HB 61 Transportation Facility Designations by Hinson

CS/HB 405 Regulation of Commercial Motor Vehicles by Transportation & Modals Subcommittee, Melo

Division of Emergency Management Presentation on Warehouse Facility Report and Recommendations

To submit an electronic appearance form, and for information about attending or testifying at a committee meeting, please see the "Visiting the House" tab at [www.myfloridahouse.gov](http://www.myfloridahouse.gov).

**NOTICE FINALIZED on 01/16/2024 4:00PM by DAD**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 61 Transportation Facility Designations

**SPONSOR(S):** Hinson

**TIED BILLS:**           **IDEN./SIM. BILLS:** SB 806

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	16 Y, 0 N	Walker	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee		Hicks	Davis
3) Infrastructure Strategies Committee			

### SUMMARY ANALYSIS

State law authorizes legislative designations of transportation facilities, such as bridges, interchanges, or portions of roads, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not change the official names of the facilities and do not require local governments and private entities to change street signs, mailing addresses, or 911 emergency telephone system listings to account for the designations. The Department of Transportation (DOT) may not erect markers for a designation unless the appropriate city or county commission enacts a resolution supporting the designation.

The bill designates the “Dylan Roberts Memorial Crosswalk” in Alachua County. Under the bill, DOT must erect suitable markers for the designation.

The bill will have an insignificant negative fiscal impact to the State Transportation Trust Fund associated with erecting suitable markers for the designation. The cost can be absorbed within DOT’s existing resources.

The bill provides an effective date of July 1, 2024.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

###### Transportation Facility Designations

Under current law, the Legislature may designate a transportation facility, such as a bridge, interchange, or portion of a road, for honorary or memorial purposes or to distinguish a particular facility. Legislative designations do not officially change the existing names of the facilities and do not require local governments or private entities to change street signs, mailing addresses, or 911 emergency telephone-number system listings to account for the designations.<sup>1</sup>

Regarding the naming of state buildings and other facilities, state law provides that except as specifically provided by law, state buildings, roads, bridges, parks, recreational complexes, and other similar facilities may not be named for a living person.<sup>2</sup>

###### Transportation Facility Markers

When the Legislature establishes transportation facility designations, the Department of Transportation (DOT) is required to place a marker at each terminus or intersection of the highway segment or bridge designated and may erect other markers it deems appropriate for the designated transportation facility.<sup>3</sup> Markers may not be erected until the appropriate city or county commission passes a resolution in support of the particular designation. Additionally, if the designated facility is located in multiple cities or counties, each affected local government must pass a resolution in support of the designation before DOT can install the markers.<sup>4</sup>

###### Dylan Roberts

On October 27, 2021, four-year-old Dylan Roberts was struck by a car while he was crossing University Avenue to return home from Fred Cone Park. To honor his memory, a crosswalk was installed across East University Avenue between Northeast 26th Terrace and Southeast 26th Terrace in Alachua County.<sup>5</sup>

##### Effect of the Bill

The bill designates the pedestrian-activated lighted crosswalk on that portion of East University Avenue/S.R. 26 between Northeast 26th Terrace and Southeast 26th Terrace in Alachua County as “Dylan Roberts Memorial Crosswalk”. The bill directs DOT to erect suitable markers.

#### B. SECTION DIRECTORY:

**Section 1:** Designates “Dylan Roberts Memorial Crosswalk”; directs DOT to erect suitable markers.

**Section 2:** Provides an effective date of July 1, 2024.

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<sup>1</sup> S. 334.071(1), F.S.

<sup>2</sup> S. 267.062(1), F.S.

<sup>3</sup> S. 334.071(2), F.S.

<sup>4</sup> S. 334.071(3), F.S.

<sup>5</sup> Seth Johnson, *Gainesville Commission honors Chief Jones, remembers Dylan Roberts*, Mainstreet Daily News (Oct. 19, 2023), <https://www.mainstreetdailynews.com/govt-politics/gainesville-commission-honors-tyon-jones-remembers-dylan-roberts> (last visited Dec. 4, 2023).

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOT estimates a cost of \$1,800 per designation for the appropriate markers, which provides for two signs per designation at \$900 per sign.<sup>6</sup> Therefore, the bill has an estimated negative fiscal impact of \$1,800 to the State Transportation Trust Fund. This cost can be absorbed within existing DOT resources.<sup>7</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A

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<sup>6</sup> Email from Jack Rogers, Legislative Affairs Director, Department of Transportation, FW: road designation sign costs, (Oct. 10, 2023).

<sup>7</sup> *Id.*

1                                   A bill to be entitled  
 2           An act relating to transportation facility  
 3           designations; providing an honorary designation of a  
 4           certain transportation facility in a specified county;  
 5           directing the Department of Transportation to erect  
 6           suitable markers; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Dylan Roberts Memorial Crosswalk designated;  
 11 Department of Transportation to erect suitable markers.-

12           (1) The pedestrian-activated lighted crosswalk on that  
 13 portion of E. University Avenue/S.R. 26 between N.E. 26th  
 14 Terrace and S.E. 26th Terrace in Alachua County is designated as  
 15 "Dylan Roberts Memorial Crosswalk."

16           (2) The Department of Transportation is directed to erect  
 17 suitable markers designating Dylan Roberts Memorial Crosswalk as  
 18 described in subsection (1).

19           Section 2. This act shall take effect July 1, 2024.





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 405 Regulation of Commercial Motor Vehicles

**SPONSOR(S):** Transportation & Modals Subcommittee, Melo

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 754

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Modals Subcommittee	15 Y, 0 N, As CS	Walker	Hinshelwood
2) Infrastructure & Tourism Appropriations Subcommittee		Hicks	Davis
3) Infrastructure Strategies Committee			

### SUMMARY ANALYSIS

The Drug and Alcohol Clearinghouse (Clearinghouse) is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLAs), and state law enforcement personnel real-time information about violations of the U.S. Department of Transportation drug and alcohol testing program by holders of commercial driver's licenses and commercial learner's permits. Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a commercial motor vehicle (CMV) on public roads. They must also annually query the Clearinghouse for each driver they currently employ.

On October 7, 2021, the FMCSA published a final rule establishing requirements for SDLA's access to and use of driver-specific drug and alcohol program violation information contained in the Clearinghouse. States have until November 18, 2024, to comply with these requirements. Therefore, the bill makes the statutory changes necessary for the Department of Highway Safety and Motor Vehicles (DHSMV) to enforce and administer the Clearinghouse provisions of the federal rule.

Additionally, the bill makes the following changes relating to the regulation of CMVs:

- Adopts updated FMCSA regulations for CMVs engaged in intrastate commerce as such regulations existed on December 31, 2023;
- Updates language to appropriately reference provisions of federal regulations that apply to a CMV not transporting hazardous materials but which is operating intrastate within a 150 air-mile radius of the location where the CMV is based; and
- Deletes an expired, and therefore obsolete, exemption for CMV operators related to the requirements of electronic logging devices and hours of service supporting documents.

The bill has an indeterminate fiscal impact on state revenues and expenditures. See Fiscal Analysis section.

The bill has an effective date of July 1, 2024.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Federal Commercial Vehicle Regulations**

##### ***Current Situation***

Florida law provides that all owners and drivers of commercial motor vehicles<sup>1</sup> (CMVs) operating on Florida's public highways, while engaged in *interstate* commerce, are subject to the following Federal Motor Carrier Safety Administration (FMCSA)<sup>2</sup> regulations:<sup>3</sup>

<b>49 C.F.R. Part</b>	<b>Title/Subject</b>
382	Controlled Substance and Alcohol Use Testing
383	Commercial Driver's License Standards; Requirements and Penalties
385	Safety Fitness Procedures
386	Rules of Practice for FMCSA Proceedings
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle Driver Instructors
392	Driving of Commercial Motor Vehicles
393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service of Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Florida law provides that all owners and drivers of CMVs engaged in *intrastate* commerce are subject to the above FMCSA regulations as they existed on December 31, 2020.<sup>4</sup>

When the FMCSA adopts rule changes, states have three years to adopt them in order to continue receiving federal highway grant funding. Since the last adoption, FMCSA has adopted or amended six rules which impact the Department of Highway Safety and Motor Vehicles (DHSMV).<sup>5</sup> During an Annual Program Review of DHSMV's compliance with FMCSA's regulations, the FMCSA noted instances where DHSMV lacks statutory authority for certain required regulations.<sup>6</sup>

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<sup>1</sup> S. 316.003(14), F.S., defines "Commercial Motor Vehicle" as any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle: has a gross vehicle weight rating of 10,000 pounds or more; is designed to transport more than 15 passengers, including the driver; or is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. §§ 1801 et seq.).

<sup>2</sup> The Federal Motor Carrier Safety Administration's primary mission is to prevent commercial motor vehicle-related fatalities and injuries. The Administration ensures safety in motor carrier operations through strong enforcement of safety regulations; targeting high-risk carriers and commercial motor vehicle drivers; improving safety information systems and commercial motor vehicle technologies; strengthening commercial motor vehicle equipment and operating standards; and increasing safety awareness. See FMCSA, *About Us*, <https://www.fmcsa.dot.gov/mission/about-us> (last visited Jan. 8, 2024).

<sup>3</sup> S. 316.302(1)(a), F.S.

<sup>4</sup> S. 316.302(1)(b), F.S.

<sup>5</sup> Florida Department of Highway Safety and Motor Vehicles, Agency Analysis of 2024 House Bill 405, pp. 3-4 (Dec. 18, 2023).

<sup>6</sup> *Id.*

## ***Effect of the Bill***

The bill provides that all owners and drivers of CMVs are subject to the federal rules and regulations contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-397 as they exist on December 31, 2023. The addition of Part 384 reflects required state compliance with changes to the Commercial Driver's License Program by November 18, 2024.

The bill deletes an expired, and therefore obsolete, exemption for CMV operators related to the requirements of electronic logging devices and hours of service supporting documents.

The bill updates language to appropriately reference the provisions of 49 C.F.R. § 395.1(e)(1) that apply to a CMV not transporting hazardous materials but which is operating intrastate within a 150 air-mile radius of the location where the CMV is based.

## **Drug and Alcohol Clearinghouse**

### ***Current Situation***

#### ***Drug and Alcohol Clearing House and FMSCA Requirements***

The Drug and Alcohol Clearinghouse (Clearinghouse) is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and state law enforcement personnel real-time information about violations of the U.S. Department of Transportation (DOT) drug and alcohol testing program by commercial driver's license (CDL) and commercial learner's permit (CLP) holders.<sup>7</sup>

The Clearinghouse contains records of violations of drug and alcohol prohibitions, including positive drug or alcohol test results and test refusals<sup>8</sup>, as reported by employers.<sup>9</sup> A driver found in violation of the program must complete a follow-up testing plan administered by a substance abuse professional and receive a negative return-to-duty test result before they are able to resume operating a commercial vehicle. This information is also recorded in the Clearinghouse.<sup>10</sup>

Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violations before permitting those employees to operate a CMV on public roads. They must also annually query the Clearinghouse for each driver they currently employ.<sup>11</sup>

On October 7, 2021, the FMCSA published a final rule establishing requirements for SDLA's access to and use of driver-specific drug and alcohol program violation information contained in the Clearinghouse.<sup>12</sup> The rule requires that:

- SDLAs must not issue, renew, upgrade, or transfer a CDL or CLP, as applicable, for any individual prohibited under FMCSA's regulations from performing safety-sensitive functions, including driving a CMV, due to one or more drug and alcohol program violations.

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<sup>7</sup> FMCSA, *Drug and Alcohol Clearinghouse*, <https://clearinghouse.fmcsa.dot.gov/FAQ/Topics/General> (last visited Jan. 8, 2024).

<sup>8</sup> 49 C.F.R. § 382.601(b)(12).

<sup>9</sup> 49 C.F.R. § 382.705 states that within two business days of determining or verifying a drug or alcohol test result, Medical Resource Officers for Employers (MROs) must report the information about a driver to the Clearinghouse. Employers have three days to report test results, violations, or refusals to the Clearinghouse.

<sup>10</sup> 49 C.F.R. § 382.701(d).

<sup>11</sup> FMCSA, *Commercial Driver's License Drug and Alcohol Clearinghouse*, <https://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse> (last visited Jan. 8, 2024).

<sup>12</sup> Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Non-Issuance/Downgrade of Commercial Driver's License, 86 Fed. Reg. 55718 (Oct. 7, 2021) (amending 49 C.F.R. Parts 382, 383, 384, 390, and 392).

- SDLAs must, upon receipt of notification that a driver is prohibited from operating a CMV due to a drug and alcohol program violation, initiate established state procedures for downgrading to remove the CLP or CDL privilege from the driver's license within 60 days.
- Drivers completing the return-to-duty process before the downgrade process is completed would no longer be prohibited from operating a CMV and thus would no longer be subject to a downgrade.<sup>13</sup>

The term “downgrade” is not currently defined in Florida law. The term is defined under federal law as when a state removes the CLP or CDL privilege from the driver’s license.<sup>14</sup>

States have until November 18, 2024, to comply with these requirements.<sup>15</sup>

### *Fees for Review Hearings and Reinstatement of Licenses*

An applicant requesting a review authorized in ss. 322.222, 322.2615, 322.2616, 322.27, or 322.64, F.S., must pay a filing fee of \$25 to be deposited into the Highway Safety Operating Trust Fund (HSOTF).<sup>16</sup>

A person who applies for reinstatement following the suspension or revocation of the person’s driver license or who applies for reinstatement of a CDL following disqualification of the person’s privilege to operate a CMV must pay a service fee, in addition to the fee for a license, as follows:

	Definition	Service Fee <i>(In addition to the license fee)</i>
Reinstatement after revocation	“Revocation”: The termination of a licensee’s privilege to drive. <sup>17</sup>	\$75 <sup>18</sup>
Reinstatement after suspension	“Suspension”: The temporary withdrawal of a licensee’s privilege to drive a motor vehicle. <sup>19</sup>	\$45 <sup>20</sup>
Reinstatement of CDL after disqualification	“Disqualification”: A prohibition, other than an out-of-service order, that precludes a person from driving a CMV. <sup>21</sup>	\$75 <sup>22</sup>

If processed by DHSMV, the \$75 service fee for a CDL disqualification must be deposited in the following manner:

- \$35 to the General Revenue Fund; and
- \$40 to the HSOTF.

<sup>13</sup> FMCSA, *How will State Driver Licensing Agencies (SDLAs) use the Clearinghouse?*, <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/how-will-state-driver-licensing-agencies-sdlas-use-clearinghouse-0> (last visited Jan. 8, 2024).

<sup>14</sup> 49 C.F.R. § 383.5(4).

<sup>15</sup> Controlled Substances and Alcohol Testing: State Driver's Licensing Agency Non-Issuance/Downgrade of Commercial Driver's License, 86 Fed. Reg. 55718 (Oct. 7, 2021) (amending 49 CFR §§ 382, 383, 384, 390, and 392).

<sup>16</sup> S. 322.21(9)(a), F.S.

<sup>17</sup> S. 322.01(37), F.S.

<sup>18</sup> S. 322.21(8), F.S.

<sup>19</sup> S. 322.01(41), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> S. 322.01(15), F.S.

<sup>22</sup> *Id.*

If the service fee is processed by a tax collector, then the tax collector shall retain \$20. The remaining amount will be transferred to DHSMV for deposit with \$20 transmitted to the HSOTF and \$35 to the General Revenue Fund.<sup>23</sup>

### ***Effect of the Bill***

The bill makes the statutory changes necessary for DHSMV to enforce and administer the Clearinghouse provisions of the federal rule.

Related to driver licenses, the bill defines “downgrade” as when a state removes the CLP or CDL privilege from the driver's license, matching the federal definition of “CDL downgrade.”<sup>24</sup> The bill clarifies that the “cancellation,” “revocation,” and “suspension,” of a driver’s license does not include a downgrade.

The bill states that a commercial vehicle operator cannot be licensed by DHSMV to operate a commercial vehicle if deemed ineligible by the Clearinghouse.

The bill states that DHSMV cannot issue a temporary CIP if DHSMV has been notified by the Clearinghouse that the applicant is prohibited from operating a CMV.

The bill provides that when a person applies for the reinstatement of a CDL following a downgrade of the person’s privilege to operate a CMV, they must pay the service fee of \$75 in addition to the fee for license. This matches the current process for when a person applies for the reinstatement of a CDL following a disqualification to operate a CMV.<sup>25</sup> If an applicant is requesting review of their downgrade status, they must pay the \$25 filing fee currently required by s. 322.21(9)(a), F.S.

The bill creates a new statute describing the use and operation of the Commercial Driver's License Drug and Alcohol Clearinghouse and related requirements. This statute puts the state in compliance with the federal rule and creates a state-established procedure for downgrading a CDL or CIP.

Beginning November 18, 2024:

- When a person applies for or seeks to renew, transfer, or make any other change to a CDL or temporary CIP, DHSMV must obtain the person’s driving record from the Clearinghouse. DHSMV may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a CDL or temporary CIP for any person for whom DHSMV receives notification from the Clearinghouse that the person is prohibited from operating a commercial vehicle.
- DHSMV shall downgrade the CDL or temporary CIP of a person if DHSMV receives notification from the Clearinghouse that the person is prohibited from operating a CMV. Any such downgrade must be completed and recorded by DHSMV within 60 days.
- Upon notification from the Clearinghouse that a person is prohibited from operating a motor vehicle, DHSMV must immediately notify the person who is the subject of such notification that he or she is prohibited from operating a CMV and, upon his or her request, must afford him or her an opportunity for an informal hearing.
- A person for whom DHSMV receives notification from the Clearinghouse that a person is prohibited from operating a CMV may, if otherwise qualified, be issued a Class E driver license valid for the length of his or her unexpired license period, at no cost.

When a person receives notice of the downgrade, he or she has 20 days to request an informal hearing and pay the \$25 filing fee. If the person does not request the hearing and pay the fee in time, and DHSMV has not received notification from the Clearinghouse that the person is no longer prohibited from operating a CMV, DHSMV must downgrade the CDL or temporary CIP.

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<sup>23</sup> S. 322.21(8)(b), F.S.

<sup>24</sup> 49 C.F.R. § 383.5(4).

<sup>25</sup> S. 322.21(8), F.S.

If a person does request an informal hearing, it must be scheduled and held within 30 days of the request. The informal hearing is exempt from the provisions of the Administrative Procedures Act, must be conducted before a hearing officer designated by DHSMV, and may be conducted by means of communications technology. The notification received by DHSMV from the Clearinghouse must be in the record for consideration by the hearing officer and in any further proceedings and is not subject to challenge.

Final orders and rulings related to a downgrade of a CDL or temporary CIP are reviewable in the same manner as current law for DHSMV's final orders relating to a driver license denial, cancelation, suspension, or revocation.

Following a final order that results in the downgrade of a person's CDL or temporary CIP, DHSMV must record immediately in the person's driving record that the driver is disqualified from operating a CMV. If after the final order DHSMV receives notification from the Clearinghouse that:

- The person is no longer prohibited from operating a CMV, then DHSMV must reinstate the CDL or temporary CIP upon application for such person.
- The person was erroneously identified as being prohibited from operating a CMV, then DHSMV must notify the person; reinstate, without payment of the reinstatement fee, the person's commercial driver license or commercial instruction permit as expeditiously as possible; and remove any reference to the person's erroneous prohibited status from the Commercial Driver's License Information System and the person's record.

The downgrade of a CDL or temporary CIP does not preclude a person from other suspensions, disqualifications, or penalties relating to unlawful operation of a CMV or driving under the influence.

## B. SECTION DIRECTORY:

- Section 1** Amends s. 316.302, F.S., relating to commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.
- Section 2** Amends s. 322.01, F.S., relating to definitions.
- Section 3** Amends s. 322.02, F.S., relating to legislative intent; administration.
- Section 4** Amends s. 322.05, F.S., relating to persons not to be licensed.
- Section 5** Amends s. 322.07, F.S., relating to instruction permits and temporary licenses.
- Section 6** Amends s. 322.21, F.S., relating to license fees; procedure for handling and collecting fees.
- Section 7** Amends s. 322.31, F.S., relating to right of review.
- Section 8** Creates s. 322.591, F.S., relating to commercial driver license and temporary commercial instruction permit; Commercial Driver's License Drug and Alcohol Clearinghouse; prohibition on issuance of commercial driver licenses; downgrades.
- Section 9** Amends s. 322.34, F.S., relating to driving while license suspended, revoked, canceled, or disqualified.
- Section 10** Amends s. 322.61, F.S., relating to disqualification from operating a commercial motor vehicle.
- Section 11** Provides an effective date of July 1, 2024.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

DHSMV estimates a negligible positive impact to state revenues related to the \$25 filing fee for a review of a downgraded status and the \$75 service fees for a CDL reinstatement due to a disqualification.

#### 2. Expenditures:

The bill requires DHSMV to:

- Provide outreach to stakeholders and update procedures, which may include updates to the CDL License Handbook.
- Provide programming to connect to the Clearinghouse and downgrade a CDL and temporary CIP based upon a notification from the Clearinghouse.
- Provide additional Bureau of Administrative Reviews (BAR) staff and hearing officers if informal hearings increase due to downgrades of CDLs or temporary CIPS.<sup>26</sup>

DHSMV estimates that the expenditures associated with increased staffing and technology to be \$226,470. However, DHSMV has received grant funding to assist with these expenditures.<sup>27</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

If the bill does not pass, the state may lose portions of its federal aid highway funds or the ability to issue CDLs as a penalty for noncompliance.<sup>28</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

#### 2. Other:

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<sup>26</sup> *Id.* at pp. 6 and 8.

<sup>27</sup> *Id.* at pp. 7-8.

<sup>28</sup> DHSMV, *supra* note 5 at p. 8.

None.

**B. RULE-MAKING AUTHORITY:**

Rulemaking may be necessary in order to conform to changes made by the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On January 10, 2024, the Transportation & Modals Subcommittee considered one amendment which was adopted, and reported favorably as a committee substitute. The amendment:

- Provides that DHSMV's final orders and rulings relating to a downgrade of a CDL or temporary CIP are reviewable in the same manner as current law for DHSMV's final orders relating to a driver license denial, cancelation, suspension, or revocation.
- Provides a process for reinstating a person's CDL or temporary CIP where the person was erroneously identified in the Commercial Driver's License Drug and Alcohol Clearinghouse as being prohibited from operating a CMV.
- Makes other clarifying and technical changes.

This analysis is drafted to the committee substitute as approved by the Transportation & Modals Subcommittee.





26 | be reviewable; creating s. 322.591, F.S.; requiring  
27 | the department to obtain a person's driving record  
28 | from the Commercial Driver's License Drug and Alcohol  
29 | Clearinghouse; prohibiting the department from  
30 | performing certain actions for a person who is  
31 | prohibited from operating a commercial motor vehicle  
32 | under certain federal regulations; requiring the  
33 | department to downgrade a commercial driver license or  
34 | temporary commercial instruction permit of a person  
35 | who is prohibited from operating a commercial motor  
36 | vehicle under such regulations and to record such  
37 | downgrade in the Commercial Driver's License  
38 | Information System; requiring the department to  
39 | provide to such person certain notification and, upon  
40 | request, an opportunity for an informal hearing;  
41 | providing hearing requirements; requiring the  
42 | department to enter a final order directing the  
43 | downgrade of the person's commercial driver license or  
44 | temporary commercial instruction permit under certain  
45 | circumstances; providing an exception; exempting an  
46 | informal hearing from certain provisions; authorizing  
47 | such hearing to be conducted by means of  
48 | communications technology; requiring the department to  
49 | dismiss the action to downgrade the person's  
50 | commercial driver license or temporary commercial

51 instruction permit under certain circumstances;  
 52 requiring the department to record the  
 53 disqualification of a person from operating a  
 54 commercial motor vehicle in the person's driving  
 55 record upon entry of a final order to downgrade the  
 56 person's commercial driver license or temporary  
 57 commercial instruction permit; providing construction;  
 58 requiring reinstatement of the person's commercial  
 59 driver license or temporary commercial instruction  
 60 permit under certain circumstances; limiting liability  
 61 of the department; specifying that certain provisions  
 62 are the exclusive procedure for downgrade of a  
 63 commercial driver license or temporary commercial  
 64 instruction permit; providing construction;  
 65 authorizing issuance of a Class E driver license to a  
 66 person who is prohibited from operating a commercial  
 67 motor vehicle under certain circumstances; amending  
 68 ss. 322.34 and 322.61, F.S.; conforming cross-  
 69 references; providing an effective date.

70

71 Be It Enacted by the Legislature of the State of Florida:

72

73 Section 1. Subsection (1), paragraph (d) of subsection  
 74 (2), and subsection (9) of section 316.302, Florida Statutes,  
 75 are amended to read:

76           316.302 Commercial motor vehicles; safety regulations;  
77 transporters and shippers of hazardous materials; enforcement.—

78           (1) (a) All owners and drivers of commercial motor vehicles  
79 that are operated on the public highways of this state while  
80 engaged in interstate commerce are subject to the rules and  
81 regulations contained in 49 C.F.R. parts 382, 383, 384, 385,  
82 386, and 390-397.

83           (b) Except as otherwise provided in this section, all  
84 owners and drivers of commercial motor vehicles that are engaged  
85 in intrastate commerce are subject to the rules and regulations  
86 contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-  
87 397, as such rules and regulations existed on December 31, 2023  
88 ~~2020~~.

89           (c) The emergency exceptions provided by 49 C.F.R. s.  
90 392.82 also apply to communications by utility drivers and  
91 utility contractor drivers during a Level 1 activation of the  
92 State Emergency Operations Center, as provided in the Florida  
93 Comprehensive Emergency Management plan, or during a state of  
94 emergency declared by executive order or proclamation of the  
95 Governor.

96           (d) Except as provided in s. 316.228 for rear overhang  
97 lighting and flagging requirements for intrastate operations,  
98 the requirements of this section supersede all other safety  
99 requirements of this chapter for commercial motor vehicles.

100           ~~(e) A person who operates a commercial motor vehicle~~

101 ~~solely in intrastate commerce which does not transport hazardous~~  
 102 ~~materials in amounts that require placarding pursuant to 49~~  
 103 ~~C.F.R. part 172 need not comply with the requirements of~~  
 104 ~~electronic logging devices and hours of service supporting~~  
 105 ~~documents as provided in 49 C.F.R. parts 385, 386, 390, and 395~~  
 106 ~~until December 31, 2019.~~

107 (2)

108 (d) A person who operates a commercial motor vehicle  
 109 solely in intrastate commerce not transporting any hazardous  
 110 material in amounts that require placarding pursuant to 49  
 111 C.F.R. part 172 within a 150 air-mile radius of the location  
 112 where the vehicle is based need not comply with 49 C.F.R. ss.  
 113 395.8 and 395.11 ~~s. 395.8~~ if the requirements of 49 C.F.R. s.  
 114 395.1(e)(1)(iii) and (iv) ~~s. 395.1(e)(1)(ii), (iii)(A) and (C),~~  
 115 ~~and (v)~~ are met.

116 (9) For the purpose of enforcing this section, any law  
 117 enforcement officer of the Department of Highway Safety and  
 118 Motor Vehicles or duly appointed agent who holds a current  
 119 safety inspector certification from the Commercial Vehicle  
 120 Safety Alliance may require the driver of any commercial vehicle  
 121 operated on the highways of this state to stop and submit to an  
 122 inspection of the vehicle or the driver's records. If the  
 123 vehicle or driver is found to be operating in an unsafe  
 124 condition, or if any required part or equipment is not present  
 125 or is not in proper repair or adjustment, and the continued

126 operation would present an unduly hazardous operating condition,  
127 the officer or agent may require the vehicle or the driver to be  
128 removed from service pursuant to the North American Standard  
129 Out-of-Service Criteria, until corrected. However, if continuous  
130 operation would not present an unduly hazardous operating  
131 condition, the officer or agent may give written notice  
132 requiring correction of the condition within 15 days.

133 (a) Any member of the Florida Highway Patrol or any law  
134 enforcement officer employed by a sheriff's office or municipal  
135 police department authorized to enforce the traffic laws of this  
136 state pursuant to s. 316.640 who has reason to believe that a  
137 vehicle or driver is operating in an unsafe condition may, as  
138 provided in subsection (11), enforce ~~the provisions of~~ this  
139 section.

140 (b) Any person who fails to comply with an officer's  
141 request to submit to an inspection under this subsection commits  
142 a violation of s. 843.02 if the person resists the officer  
143 without violence or a violation of s. 843.01 if the person  
144 resists the officer with violence.

145 Section 2. Subsections (16) through (48) of section  
146 322.01, Florida Statutes, are renumbered as subsections (17)  
147 through (49), respectively, subsection (5) and present  
148 subsections (37) and (41) are amended, and a new subsection (16)  
149 is added to that section, to read:

150 322.01 Definitions.—As used in this chapter:

151 (5) "Cancellation" means the act of declaring a driver  
 152 license void and terminated but does not include a downgrade.

153 (16) "Downgrade" has the same meaning as the term "CDL  
 154 downgrade" as defined in 49 C.F.R. s. 383.5(4).

155 ~~(38)-(37)~~ "Revocation" means the termination of a  
 156 licensee's privilege to drive. The term does not include a  
 157 downgrade.

158 ~~(42)-(41)~~ "Suspension" means the temporary withdrawal of a  
 159 licensee's privilege to drive a motor vehicle. The term does not  
 160 include a downgrade.

161 Section 3. Subsection (2) of section 322.02, Florida  
 162 Statutes, is amended to read:

163 322.02 Legislative intent; administration.—

164 (2) The Department of Highway Safety and Motor Vehicles is  
 165 charged with the administration and function of enforcement of  
 166 the provisions of this chapter and the administration and  
 167 enforcement of 49 C.F.R. parts 382-386 and 390-397.

168 Section 4. Subsections (7) through (12) of section 322.05,  
 169 Florida Statutes, are renumbered as subsections (8) through  
 170 (13), respectively, and a new subsection (7) is added to that  
 171 section to read:

172 322.05 Persons not to be licensed.—The department may not  
 173 issue a license:

174 (7) To any person, as a commercial motor vehicle operator,  
 175 who is ineligible to operate a commercial motor vehicle pursuant

176 | to 49 C.F.R. part 383.

177 | Section 5. Subsection (3) of section 322.07, Florida  
 178 | Statutes, is amended to read:

179 | 322.07 Instruction permits and temporary licenses.—

180 | (3) Any person who, except for his or her lack of  
 181 | instruction in operating a commercial motor vehicle, would  
 182 | otherwise be qualified to obtain a commercial driver license  
 183 | under this chapter, may apply for a temporary commercial  
 184 | instruction permit. The department shall issue such a permit  
 185 | entitling the applicant, while having the permit in his or her  
 186 | immediate possession, to drive a commercial motor vehicle on the  
 187 | highways, if:

188 | (a) The applicant possesses a valid Florida driver  
 189 | license; ~~and~~

190 | (b) The applicant, while operating a commercial motor  
 191 | vehicle, is accompanied by a licensed driver who is 21 years of  
 192 | age or older, who is licensed to operate the class of vehicle  
 193 | being operated, and who is occupying the closest seat to the  
 194 | right of the driver; and

195 | (c) The department has not been notified that, under 49  
 196 | C.F.R. s. 382.501(a), the applicant is prohibited from operating  
 197 | a commercial motor vehicle.

198 | Section 6. Subsection (8) and paragraph (a) of subsection  
 199 | (9) of section 322.21, Florida Statutes, are amended to read:

200 | 322.21 License fees; procedure for handling and collecting



201 fees.—

202 (8) A person who applies for reinstatement following the  
 203 suspension or revocation of the person's driver license must pay  
 204 a service fee of \$45 following a suspension, and \$75 following a  
 205 revocation, which is in addition to the fee for a license. A  
 206 person who applies for reinstatement of a commercial driver  
 207 license following the disqualification or downgrade of the  
 208 person's privilege to operate a commercial motor vehicle must  
 209 ~~shall~~ pay a service fee of \$75, which is in addition to the fee  
 210 for a license. The department shall collect all of these fees at  
 211 the time of reinstatement. The department shall issue proper  
 212 receipts for such fees and shall promptly transmit all funds  
 213 received by it as follows:

214 (a) Of the \$45 fee received from a licensee for  
 215 reinstatement following a suspension:

216 1. If the reinstatement is processed by the department,  
 217 the department shall deposit \$15 in the General Revenue Fund and  
 218 \$30 in the Highway Safety Operating Trust Fund.

219 2. If the reinstatement is processed by the tax collector,  
 220 \$15, less the general revenue service charge set forth in s.  
 221 215.20(1), shall be retained by the tax collector, \$15 shall be  
 222 deposited into the Highway Safety Operating Trust Fund, and \$15  
 223 shall be deposited into the General Revenue Fund.

224 (b) Of the \$75 fee received from a licensee for  
 225 reinstatement following a revocation, ~~or~~ disqualification, or

226 | downgrade:

227 |       1. If the reinstatement is processed by the department,  
228 | the department shall deposit \$35 in the General Revenue Fund and  
229 | \$40 in the Highway Safety Operating Trust Fund.

230 |       2. If the reinstatement is processed by the tax collector,  
231 | \$20, less the general revenue service charge set forth in s.  
232 | 215.20(1), shall be retained by the tax collector, \$20 shall be  
233 | deposited into the Highway Safety Operating Trust Fund, and \$35  
234 | shall be deposited into the General Revenue Fund.

235 |

236 | If the revocation or suspension of the driver license was for a  
237 | violation of s. 316.193, or for refusal to submit to a lawful  
238 | breath, blood, or urine test, an additional fee of \$130 must be  
239 | charged. However, only one \$130 fee may be collected from one  
240 | person convicted of violations arising out of the same incident.

241 | The department shall collect the \$130 fee and deposit the fee  
242 | into the Highway Safety Operating Trust Fund at the time of  
243 | reinstatement of the person's driver license, but the fee may  
244 | not be collected if the suspension or revocation is overturned.

245 | If the revocation or suspension of the driver license was for a  
246 | conviction for a violation of s. 817.234(8) or (9) or s.

247 | 817.505, an additional fee of \$180 is imposed for each offense.

248 | The department shall collect and deposit the additional fee into  
249 | the Highway Safety Operating Trust Fund at the time of  
250 | reinstatement of the person's driver license.

251 (9) An applicant:

252 (a) Requesting a review authorized in s. 322.222, s.  
 253 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must  
 254 pay a filing fee of \$25 to be deposited into the Highway Safety  
 255 Operating Trust Fund.

256 Section 7. Section 322.31, Florida Statutes, is amended to  
 257 read:

258 322.31 Right of review.—The final orders and rulings of  
 259 the department wherein any person's license is denied, canceled,  
 260 suspended, or revoked or wherein any person's commercial driver  
 261 license or temporary commercial instruction permit is downgraded  
 262 ~~person is denied a license, or where such license has been~~  
 263 ~~canceled, suspended, or revoked,~~ shall be reviewable in the  
 264 manner and within the time provided by the Florida Rules of  
 265 Appellate Procedure only by a writ of certiorari issued by the  
 266 circuit court in the county wherein such person shall reside, in  
 267 the manner prescribed by the Florida Rules of Appellate  
 268 Procedure, any provision in chapter 120 to the contrary  
 269 notwithstanding.

270 Section 8. Section 322.591, Florida Statutes, is created  
 271 to read:

272 322.591 Commercial driver license and temporary commercial  
 273 instruction permit; Commercial Driver's License Drug and Alcohol  
 274 Clearinghouse; prohibition on issuance of commercial driver  
 275 licenses; downgrades.—Beginning November 18, 2024:

276 (1) When a person applies for or seeks to renew, transfer,  
 277 or make any other change to a commercial driver license or  
 278 temporary commercial instruction permit, the department must  
 279 obtain the person's driving record from the Commercial Driver's  
 280 License Drug and Alcohol Clearinghouse established pursuant to  
 281 49 C.F.R. part 382. The department may not issue, renew, or  
 282 transfer, or revise the types of authorized vehicles that may be  
 283 operated or the endorsements applicable to, a commercial driver  
 284 license or temporary commercial instruction permit for any  
 285 person for whom the department receives notification that,  
 286 pursuant to 49 C.F.R. s. 382.501(a), the person is prohibited  
 287 from operating a commercial motor vehicle.

288 (2) The department shall downgrade the commercial driver  
 289 license or temporary commercial instruction permit of a person  
 290 for whom the department receives notification that, pursuant to  
 291 49 C.F.R. s. 382.501(a), the person is prohibited from operating  
 292 a commercial motor vehicle. Any such downgrade must be completed  
 293 and recorded by the department in the Commercial Driver's  
 294 License Information System within 60 days after the department's  
 295 receipt of such notification.

296 (3)(a) Upon receipt of notification that, pursuant to 49  
 297 C.F.R. s. 382.501(a), a person is prohibited from operating a  
 298 commercial motor vehicle, the department shall immediately  
 299 notify the person who is the subject of such notification that  
 300 he or she is prohibited from operating a commercial motor

301 vehicle and, upon his or her request, must afford him or her an  
302 opportunity for an informal hearing pursuant to this section.  
303 The department's notice must be provided to the person in the  
304 same manner as, and providing notice has the same effect as,  
305 notices provided pursuant to s. 322.251(1) and (2).

306 (b) An informal hearing under paragraph (a) must be  
307 requested no later than 20 days after the person receives the  
308 notice of the downgrade. If a request for a hearing is not  
309 received within 20 days after receipt of such notice, the  
310 department must enter a final order directing the downgrade of  
311 the person's commercial driver license or temporary commercial  
312 instruction permit unless the department receives notification  
313 that, pursuant to 49 C.F.R. s. 382.503(a), the person is no  
314 longer prohibited from operating a commercial motor vehicle.

315 (c) A hearing requested under paragraph (b) must be  
316 scheduled and held no later than 30 days after receipt by the  
317 department of a request for the hearing. The submission of a  
318 request for hearing under paragraph (b) tolls the deadline to  
319 file a petition for writ of certiorari pursuant to s. 322.31  
320 until after the department enters a final order after a hearing  
321 under paragraph (b).

322 (d) The informal hearing authorized by this subsection is  
323 exempt from chapter 120. Such hearing must be conducted before a  
324 hearing officer designated by the department. The hearing  
325 officer may conduct such hearing by means of communications

326 technology.

327 (e) The notification received by the department pursuant  
328 to 49 C.F.R. s. 382.501(a) must be in the record for  
329 consideration by the hearing officer and in any proceeding under  
330 s. 322.31 and is considered self-authenticating. The basis for  
331 the notification received by the department pursuant to 49  
332 C.F.R. s. 382.501(a) and the information in the Commercial  
333 Driver's License Drug and Alcohol Clearinghouse which resulted  
334 in such notification are not subject to challenge in the hearing  
335 or in any proceeding brought under s. 322.31.

336 (f) If, before the entry of a final order arising from a  
337 notification received by the department pursuant to 49 C.F.R. s.  
338 382.501(a), the department receives notification that, pursuant  
339 to 49 C.F.R. s. 382.503(a), the person is no longer prohibited  
340 from operating a commercial motor vehicle, the department must  
341 dismiss the action to downgrade the person's commercial driver  
342 license or temporary commercial instruction permit.

343 (g) Upon the entry of a final order that results in the  
344 downgrade of a person's commercial driver license or temporary  
345 commercial instruction permit, the department shall record  
346 immediately in the person's driving record that the person is  
347 disqualified from operating a commercial motor vehicle. The  
348 downgrade of a commercial driver license or temporary commercial  
349 instruction permit pursuant to a final order entered pursuant to  
350 this section and, upon the entry of a final order, the recording

351 in the person's record that the person subject to such final  
352 order is disqualified from operating a commercial motor vehicle,  
353 are not stayed during the pendency of any proceeding pursuant to  
354 s. 322.31.

355 (h) If, after the department enters a final order that  
356 results in the downgrade of a person's commercial driver license  
357 or temporary commercial instruction permit and records in the  
358 person's driving record that the person is disqualified from  
359 operating a commercial motor vehicle, the department receives:

360 1. Notification that, pursuant to 49 C.F.R. s. 382.503(a),  
361 the person is no longer prohibited from operating a commercial  
362 motor vehicle, the department must reinstate the person's  
363 commercial driver license or temporary commercial instruction  
364 permit upon application by such person.

365 2. Notification from the Federal Motor Carrier Safety  
366 Administration pursuant to 49 C.F.R. s. 383.73(q)(3) that the  
367 person was erroneously identified as being prohibited from  
368 operating a commercial motor vehicle, the department must notify  
369 the person; reinstate, without payment of the reinstatement fee  
370 required pursuant to s. 322.21, the person's commercial driver  
371 license or commercial instruction permit as expeditiously as  
372 possible; and remove any reference to the person's erroneous  
373 prohibited status from the Commercial Driver's License  
374 Information System and the person's record.

375 (i) The department is not liable for any commercial driver

376 license or temporary commercial instruction permit downgrade  
 377 resulting from the discharge of its duties.

378 (j) This section is the exclusive procedure for the  
 379 downgrade of a commercial driver license or temporary commercial  
 380 instruction permit following notification received by the  
 381 department that, pursuant to 49 C.F.R. s. 382.501(a), a person  
 382 is prohibited from operating a commercial motor vehicle.

383 (k) The downgrade of a person's commercial driver license  
 384 or temporary commercial instruction permit pursuant to this  
 385 section does not preclude the suspension of the driving  
 386 privilege for that person pursuant to s. 322.2615 or the  
 387 disqualification of that person from operating a commercial  
 388 motor vehicle pursuant to s. 322.64. The driving privilege of a  
 389 person whose commercial driver license or temporary commercial  
 390 instruction permit has been downgraded pursuant to this section  
 391 also may be suspended for a violation of s. 316.193.

392 (4) A person for whom the department receives notification  
 393 that, pursuant to 49 C.F.R. s. 382.501(a), the person is  
 394 prohibited from operating a commercial motor vehicle may, if  
 395 otherwise qualified, be issued a Class E driver license pursuant  
 396 to s. 322.251(4), valid for the length of his or her unexpired  
 397 license period, at no cost.

398 Section 9. Subsection (2) of section 322.34, Florida  
 399 Statutes, is amended to read:

400 322.34 Driving while license suspended, revoked, canceled,



401 or disqualified.—

402 (2) Any person whose driver license or driving privilege  
 403 has been canceled, suspended, or revoked as provided by law, or  
 404 who does not have a driver license or driving privilege but is  
 405 under suspension or revocation equivalent status as defined in  
 406 s. 322.01(43) ~~s. 322.01(42)~~, except persons defined in s.  
 407 322.264, who, knowing of such cancellation, suspension,  
 408 revocation, or suspension or revocation equivalent status,  
 409 drives any motor vehicle upon the highways of this state while  
 410 such license or privilege is canceled, suspended, or revoked, or  
 411 while under suspension or revocation equivalent status, commits:

412 (a) A misdemeanor of the second degree, punishable as  
 413 provided in s. 775.082 or s. 775.083.

414 (b)1. A misdemeanor of the first degree, punishable as  
 415 provided in s. 775.082 or s. 775.083, upon a second or  
 416 subsequent conviction, except as provided in paragraph (c).

417 2. A person convicted of a third or subsequent conviction,  
 418 except as provided in paragraph (c), must serve a minimum of 10  
 419 days in jail.

420 (c) A felony of the third degree, punishable as provided  
 421 in s. 775.082, s. 775.083, or s. 775.084, upon a third or  
 422 subsequent conviction if the current violation of this section  
 423 or the most recent prior violation of the section is related to  
 424 driving while license canceled, suspended, revoked, or  
 425 suspension or revocation equivalent status resulting from a

426 violation of:

- 427 1. Driving under the influence;
- 428 2. Refusal to submit to a urine, breath-alcohol, or blood
- 429 alcohol test;
- 430 3. A traffic offense causing death or serious bodily
- 431 injury; or
- 432 4. Fleeing or eluding.

433

434 The element of knowledge is satisfied if the person has been  
 435 previously cited as provided in subsection (1); or the person  
 436 admits to knowledge of the cancellation, suspension, or  
 437 revocation, or suspension or revocation equivalent status; or  
 438 the person received notice as provided in subsection (4). There  
 439 shall be a rebuttable presumption that the knowledge requirement  
 440 is satisfied if a judgment or order as provided in subsection  
 441 (4) appears in the department's records for any case except for  
 442 one involving a suspension by the department for failure to pay  
 443 a traffic fine or for a financial responsibility violation.

444 Section 10. Subsection (4) of section 322.61, Florida  
 445 Statutes, is amended to read:

446 322.61 Disqualification from operating a commercial motor  
 447 vehicle.—

448 (4) Any person who is transporting hazardous materials as  
 449 defined in s. 322.01(25) ~~s. 322.01(24)~~ shall, upon conviction of  
 450 an offense specified in subsection (3), be disqualified from

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451 | operating a commercial motor vehicle for a period of 3 years.  
452 | The penalty provided in this subsection shall be in addition to  
453 | any other applicable penalty.

454 |       Section 11. This act shall take effect July 1, 2024.